THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 5863 of 2007

Date:18-06-2007

Between:

P.Narayanaswamy .. **PETITIONER**

AND

The Superintendent of Police, Mahboobnagar and two others.

..

RESPONDENTS

ORDER:

The petitioner seeks to issue a writ of mandamus to declare the action of the 3rd respondent withholding the petitioner's licenced weapon bore pistol 0.32 RP.No.109290, as illegal and arbitrary.

The instant writ petition filed by the petitioner without making any representation before the licensing authority is not maintainable.

Learned counsel appearing for the petitioner submits that registration of Crime No.340 of 2006 of Rural Police Station, Mahaboobnagar under Section 387 I.P.C. was questioned in W.P.No.5133 of 2007 and this Court granted interim stay of further proceedings in Crime No.340 of 2006.

If this Court has stayed the proceedings in the said Crime No.340 of 2006 under Section 387 I.P.C. of Police Station, Mahaboobnagar Rural, there is no justification to seize the weapon from the petitioner on the ground that the petitioner involved in the said crime. That being so, it is for the petitioner to make a representation before the licensing authority and if the said representation is not disposed of, it is open for the petitioner to approach this Court.

Accordingly, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J.

Date:18.06.2007.
Ccm